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Chairman Peter King
House Committee on Homeland Security
H2-176 Ford House Office Building
Washington, D.C. 20510

Dear Mr. Chairman:

Today's New York Times reports that the Administration has initiated a secret program to gain access to financial records from a vast international database and examine banking transactions involving thousands of Americans and others in the United States (see, Eric Lichtblau and James Risen, "Bank Data is Sifted by U.S. in Secret to Block Terror," New York Times, June 23, 2006, at A1). According to the Times report, the Administration has obtained broad access to financial data from the Brussels-based Society for Worldwide Financial Telecommunications ("SWIFT").

According to the Times article, the program in question was run out of the Central Intelligence Agency and overseen by the Treasury Department. The Times article reports that the program "is a significant departure from typical practice in how the government acquires Americans' financial records" in that "Treasury officials did not seek individual court-approved warrants or subpoenas to examine specific transactions, instead relying on broad administrative subpoenas for millions of records from the cooperative, known as Swift." According to the Times, some of the nearly 20 current and foreign government officials and industry executives interviewed "expressed reservations about the program, saying that what they viewed as an urgent, temporary measure had become permanent nearly five years later without specific Congressional approval or formal authorization."

The Times report, coming on the heels of earlier revelations of government surveillance of domestic telephone records, raises disturbing questions about whether the Administration is complying with the Constitutional and legal protections established to protect the privacy of American citizens. I therefore request that the Committee immediately commence an investigation into this matter, to determine the whether there is an adequate legal basis for this financial records surveillance program and whether it is consistent with Constitutional requirements and domestic U.S. privacy laws and regulations. I further request that you schedule hearings at which the Committee can hear from the Treasury Department, the CIA, the Department of Homeland Security, the SWIFT Consortium, and outside legal and privacy experts. Thank you for your consideration in this matter.

Sincerely,



Edward J. Markey